## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN FRANCISCO BAY REGION

ORDER NO. 85-132 NPDES NO. CA0028762

WASTE DISCHARGE REQUIREMENTS FOR:

ZANKER ROAD RESOURCE MANAGEMENT GROUP SAN JOSE, SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board) finds that:

- The Zanker Road Resource Management Group, hereinafter 1. called the discharger, proposes to expand landfilling operations approximately six acres into a seasonal wetland. The landfill site was purchased from the Nine-Par Company, which operated a Class II-2 sanitary landfill at this site under Board Order No. 75-18 until approximately September 1, This landfill site is located near the intersection of Zanker Road and Los Esteros Road opposite the San Jose Regional Water Pollution Control Plant, as shown on attachment A, which is incorporated herein and made part of this Order. The site consists of 70 acres, of which approximately 40 acres in the southern part of the site have been been partially filled with refuse. The site is near the Artesian Slough, Coyote Creek, and Leslie Salt Company evaporation ponds. The discharger is currently filling on top of the previously filled 40 acre southerly portion of the site. This previously filled portion of the site was not properly closed by the Nine-Par Company.
- On March 14, 1984 the discharger filed an application for an 2. NPDES Permit to discharge into all acreage to the north of the existing refuse mass as shown on Attachment B, which is incorporated herein and made a part of this Order. public hearing to consider this application was held on August 15, 1984. At the close of the hearing the Board directed staff to summarize and discuss the testimony on the critical issues of public need for wetland filling, and mitigation, by means of a Staff Report. This Staff Report was prepared and mailed to the Board for consideration at its September 19, 1984 meeting. The item was continued without discussion to the November 1984 Board meeting at the request of the applicant. The item was not placed on the final November agenda due to the need to clarify a number of technical issues raised by the Executive Officer in correspondence to the applicant dated September 28, 1984. modified proposal, involving only the minimum fill needed to fund proper closure of the site, was subsequently discussed by Regional Board staff, the discharger, and representatives of the California Department of Fish and Game and the United States Fish and Wildlife Service.

- 3. On April 15, 1975, the Board adopted Order No. 75-18 for the Nine-Par landfill. The order was adopted with the assumption that the U.S. Army Corps of Engineers would address the issue of filling wetlands under Section 404 of the federal Clean Water Act, but the Corps has not taken such action in this case on the grounds that refuse fill does not constitute "fill material" and should not be regulated under Section 404.
- 4. The Board finds that all acreage to the north of the existing refuse mass and within the landfill property line, as shown in Attachment B, with the exception of those roads described in Finding 7 constructed prior to the effective date of the Federal Water Pollution Control Act amendments of 1972, is waters of the United States and wetlands and subject to an NPDES permit pursuant to Section 402 of the Clean Water Act if fill activity is proposed. This finding is based on all testimony and evidence presented at the Board meeting of August 15, 1984, and the consensus among Board members at that time that the acreage in question is waters of the United States and wetlands and within the jurisdiction of the Board.
- 5. The wetlands shown in Attachment B adjoin diked lands on the north, northwest, and east. Flood gates on the Artesian Slough to the west of the landfill prevent tidal flow into the wetlands. Surface runoff and groundwater keep portions of the wetland area wet for about six months each year. The wetlands are, therefore, seasonal wetlands of a primarily freshwater nature.
- 6. Actual and potential beneficial uses of the wetlands shown on Attachment B are:
  - a. Wildlife habitat.
  - Resting for waterfowl and migratory birds.
  - c. Non-contact water recreation.
- 7. Temporary, raised, roads were constructed in the wetland portions of the site by the Nine-Par Company prior to issuance of waste discharge requirements in 1975. Which roads were constructed prior to the effective date of the Federal Water Pollution Control Act amendments of 1972 is unknown. These roads are constructed of refuse material and soil excavated on-site, and have a vertical thickness of approximately 12 feet. The areal extent of the roads is shown on attachment B. No evidence exists that the presence of this material has adversely impacted the beneficial uses listed in Finding 6. To the extent that the refuse contained in these 'roads' is non-hazardous solid waste, no future adverse impacts on beneficial uses are anticipated due to the age and advanced decomposition of the refuse.

- 8. The landfill site is underlain by more than 1000 feet of alluvial and estuarine deposits composed of an alternating sequence of clays, silts, sandy clays, sand, and gravel. A massive clay and silt layer lies about 100 feet beneath the surface forming a relatively impermeable barrier to downward water movement. Usable groundwater does exist at approximately 200 feet below ground surface. Perched groundwater of lower quality exists in sand and gravel lenses within bay muds near the ground surface.
- 9. The actual and potential beneficial uses of groundwaters and surface-waters in the vicinity of the site are:
  - a. Domestic water supply.
  - b. Industrial water supply.
  - c. Agricultural water supply.
  - d. Warm fresh water habitat.
  - e. Non-contact water recreation.
  - f. Wildlife habitat.
  - g. Navigation.
  - h. Resting for waterfowl and migratory birds.
- Closure of the existing refuse mass as shown on Attachment 10. B, and any expansion area which the Board may permit, is needed to protect the beneficial uses named in Finding 9. Closure, and continued operation in accordance with recently enacted regulations, requires that engineered means of controlling liquid flow through the refuse mass be implemented. Closure of the landfill requires at least one foot of low permeability clay soil over the refuse mass in order to reduce infiltration of rainwater. Due to the lack of an engineered horizontal clay layer beneath the existing refuse mass, some form of leachate collection and removal system (LCRS) in the downgradient direction is also desirable, and may be required if landfilling operations are to continue at this site. Both these objectives can be met by excavation along the northern toe of the existing refuse mass.

A minimum of 80 feet beyond the northern toe of the existing refuse mass is needed for excavation and installation of an LCRS. The use of a straight line as the northern boundary of landfilling along which the LCRS can be constructed provides for a more feasable LCRS design, and creates a final landfill volume and configuration which can more feasably be closed.

The fill expansion area shown on Attachment B provides the area necessary to feasably construct an LCRS at the downgradient edge of the existing refuse mass, and to excavate sufficient low-permeability clay to close the site. The Board finds, therefore, that a public need exists for refuse filling of the wetlands within the fill expansion area shown on Attachment B. No public need exists for excavation or fill beyond the expansion area shown on Attachment B.

The fill expansion area shown on Attachment B also provides sufficient additional fill capacity to generate the revenues needed to close the site. In the absence of an expansion of refuse filling into wetlands implementation of closure measures could be substantially delayed due to the limited remaining permitted fill capacity with which to generate revenues needed to close the site.

- 11. The discharger, in a submittal of October 17, 1985, has offered to mitigate loss of approximately 6 acres of seasonal wetlands in the following manner:
  - a. Convey title or a conservation easement of the approximately 24 acres of remaining wetland to a Governmental agency or private non-profit organization acceptable to the Executive Officer, and
  - b. Propose and implement a habitat enhancement plan for the wetland acreage outside of the expansion area but within the landfill property line shown on Attachment B such that no net loss of wetland habitat value will result from the fill operation. The discharger subsequently agreed to propose an enhancement plan which also achieves 'no net loss of wetland acreage' by removal of an acreage of the roads described in Finding 7 at least equal to the wetland area to be filled.

The Board finds that this mitigation is acceptable, provided that legal title or a conservation easement of the wetlands outside the expansion area but within the landfill property line as shown on Attachment B has been conveyed, and the habitat enhancement plan has been approved and implementation irrevocably committed to, prior to the start of excavation or filling in the expansion area.

12. Effluent limitation guidelines requiring the application of best available technology economically achievable (BAT) for this discharge have not been promulgated by the U.S. Environmental Protection Agency. That is, solid waste disposal is a non-guideline industry. Effluent limitations in this Order are based on a best professional judgement that compliance with the requirements of Subchapter 15, Chapter 3, California Administrative Code, will require utilization of BAT in the field of solid waste disposal.

- The City of San Jose, as lead agency, adopted a Final 13. Environmental Impact Report in September of 1983 titled, "Final Environmental Impact Report for Nine-Par Landfill", in accordance with the California Environmental Quality Act Among significant adverse impacts on the environment that could be caused by the discharge of solid wastes into wetland areas are degradation of water quality and loss of wetland habitat value. Prohibition A.3 of this Order, and modifications to the project by the applicant, provide for mitigation which will prevent loss of wetland habitat value. Prohibition A.2 of this Order defers actions which could cause degradation of water quality until revised waste discharge requirements for this site are issued pursuant to Subchapter 15 of the California Administrative Code. Revised requirements should incorporate all mitigative measures relevant to water quality protection listed in the Final Environmental Impact Report.
- 14. This Order serves as an NPDES permit and is therefore exempt from the provisions of Chapter 3 (commencing with Section 21000 of Division 13) of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.
- 15. The proposed expansion of filling of wetlands shown on Attachment B appears to involve fill of some portion of 1.5 acres previously determined by the Corps of Engineers to be navigable waters of the United States, and is therefore subject to a Corps permit pursuant to Section 10 of the Rivers and Harbors Act of 1899.
- 16. The Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
- 17. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED THAT the Zanker Road Resource Management Group, and any other persons or corporations which may hereafter own or operate the expansion area at this landfill site, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and amendments thereto and regulations and guidelines adopted thereunder, shall comply with the following:

### A. Prohibitions

- 1. The discharge of wastes to the expansion area shown on attachment B, other than non-hazardous solid wastes as described in Section 2523 of Subchapter 15 of the California Administrative Code, is prohibited.
- 2. The excavation of soils or discharge of wastes into the expansion area shown on Attachment B is prohibited until revised waste discharge requirements for this landfill are issued by the Board pursuant to Subchapter 15 of the California Administrative Code. These revised waste discharge requirements shall include a closure plan, and leachate sump installation specificiations for the landfill site.
- 3. The excavation of soils or discharge of wastes into the expansion area shown on Attachment B is prohibited until a habitat enhancement plan for the wetlands outside the expansion area but within the landfill property line as shown on Attachment B has beer approved by the Executive Officer, the Executive Officer finds that implementation of the habitat enhancement plan has been irrevocably committed to, and legal title or a conservation easement to said parcel has been conveyed to a governmental agency or non-profit organization approved by the Executive Officer.

The enhancement plan must include a legal description of the parce to be enhanced, and be approved in writing by the Executive Officer on the basis that it achieves no net loss of wetland habitat value or acreage. Excavation of clean clay soil and backfilling with clean inert waste materials in portions of the wetlands to be enhanced may be proposed as part of the enhancement plan, so long as such operations are timed so that seasonal wetland values are not impinged upon. Backfilling with inert waste materials may require application for, and issuance of, an additional NPDES permit, or amendment of this permit. At least one round of post-enhancement soil-water sampling and analyses shall be proposed as part of the plan. The Executive Officer may not approve the enhancement plan without consulting with appropriate advising agencies.

4. The discharge of wastes into the expansion area shown on Attachment B is prohibited until the United States Army Corps of Engineers har issued a Section 10 permit pursuant to the Rivers and Harbors Act of 1899, or determined that a permit is not needed.

#### B. Receiving Water Limitations

- 1. The discharge of wastes shall not cause the following conditions to exist in waters of the State at any place beyond the expansion area:
  - a. Surface waters
    - Floating, suspended, or deposited macroscopic particulat matter or foam;

- 2. Bottom deposits or aquatic growths;
- Alterations of temperature, turbidity, or apparent color beyond present natural background levels;
- 4. Visible, floating, suspended or deposited oil or other products of petroleum origin;
- 5. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
- b. Groundwaters shall not be degraded as a result of the solid waste disposal operation.
- 2. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Board or the State Water Resources Control Board as required by the Clean Water Act or the Porter-Cologne Act or regulations adopted thereunder.

#### C. Provisions

- 1. The discharger shall comply with all sections of this order immediately upon adoption.
- 2. The discharger shall comply with any self-monitoring program which may be directed by the Executive Officer for the purpose of demonstrating compliance with this Order.
- 3. The discharger shall comply with the following items of the attached "Standard Provisions, Reporting Requirements, and Definitions" dated April 1977:
  - A.1, A.2, A.3, A.4, A.6, A.8, A.11, A.14, A.15, A.17.
- 4. All applications, reports, or information submitted to the Regional Board shall be signed and certified pursuant to Environmental Protection Agency regulations (40 CFR 122.41K).
- 5. Pursuant to Environmental Protection Agency regulations (40 CFR 122.42(a)) the discharger must notify the Regional Board as soon as it knows or has reason to believe that a discharge of a pollutant not limited by this permit has or will occur.

- 6. This order expires November 20, 1990. The discharger must file a report of waste discharge in accordance with Title 23, Chapter 3, Subchapter 9 of the California Administrative Code not later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements.
- 7. This Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act or amendments thereto, and shall become effective 10 days after date of its adoption provided the Regional Administrator, Environmental Protection Agency, has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.
- I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on November 20, 1985.

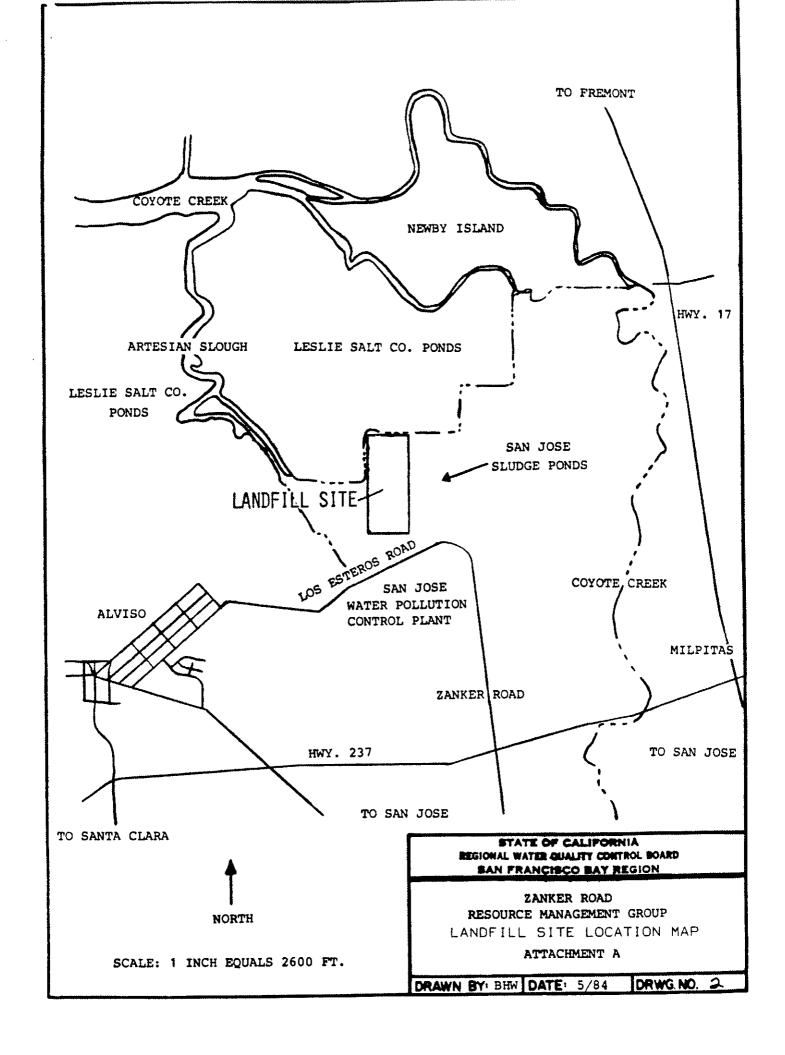
Roger B./James Executive Officer

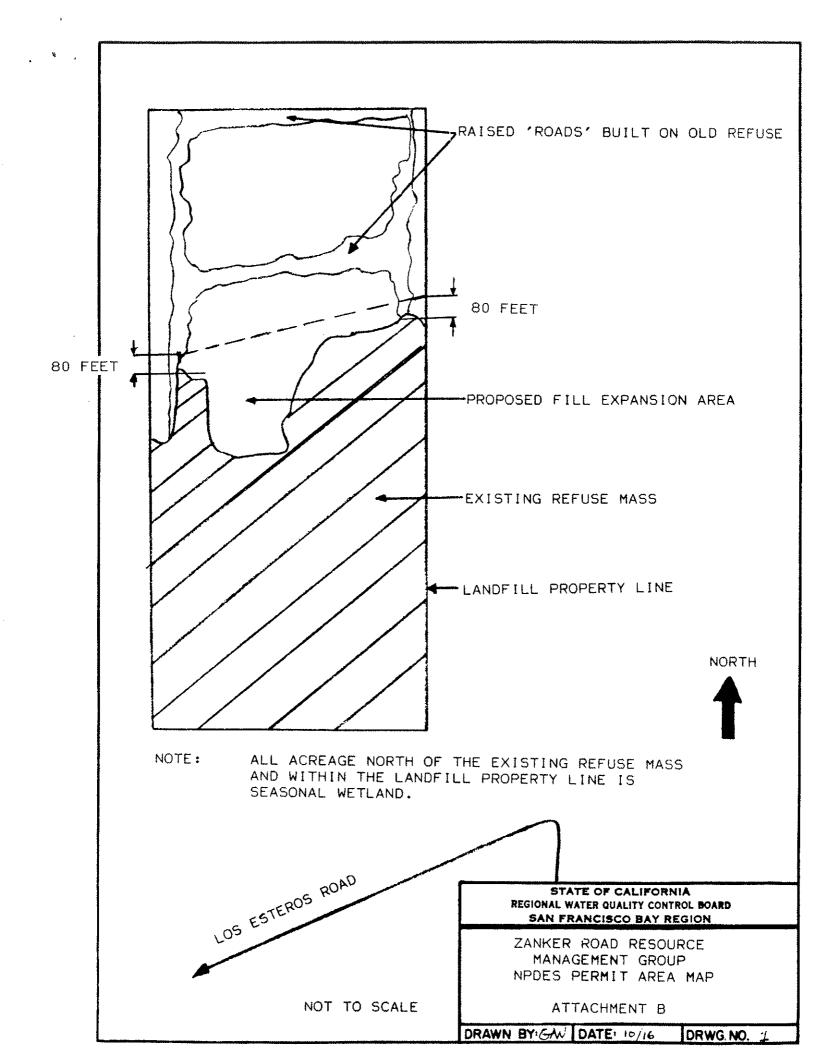
#### Attachments:

"Standard Provisions, Reporting Requirements, and Definitions",
April 1977.

A: Site Location Map

B: NPDES Permit Area Map





## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN FRANCISCO BAY REGION

ORDER NO. 85-132 NPDES NO. CA0028762

WASTE DISCHARGE REQUIREMENTS FOR:

ZANKER ROAD RESOURCE MANAGEMENT GROUP SAN JOSE, SANTA CLARA COUNTY

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- The Zanker Road Resource Management Group, hereinafter 1 called the discharger, proposes to expand landfilling operations approximately six acres into a seasonal wetland. The landfill site was purchased from the Nine-Par Company, which operated a Class II-2 sanitary landfill at this site under Board Order No. 75-18 until approximately September 1, This landfill site is located near the intersection of Zanker Road and Los Esteros Road opposite the San Jose Regional Water Pollution Control Plant, as shown on attachment A, which is incorporated herein and made part of this Order. The site consists of 70 acres, of which approximately 40 acres in the southern part of the site have been been partially filled with refuse. The site is near the Artesian Slough, Coyote Creek, and Leslie Salt Company evaporation ponds. The discharger is currently filling on top of the previously filled 40 acre southerly portion of the site. This previously filled portion of the site was not properly closed by the Nine-Par Company.
- On March 14, 1984 the discharger filed an application for an 2 . NPDES Permit to discharge into all acreage to the north of the existing refuse mass as shown on Attachment B, which is incorporated herein and made a part of this Order. public hearing to consider this application was held on August 15, 1984. At the close of the hearing the Board directed staff to summarize and discuss the testimony on the critical issues of public need for wetland filling, and mitigation, by means of a Staff Report. This Staff Report was prepared and mailed to the Board for consideration at its September 19, 1984 meeting. The item was continued without discussion to the November 1984 Board meeting at the request of the applicant. The item was not placed on the final November agenda due to the need to clarify a number of technical issues raised by the Executive Officer in correspondence to the applicant dated September 28, 1984. modified proposal, involving only the minimum fill needed to fund proper closure of the site, was subsequently discussed by Regional Board staff, the discharger, and representatives of the California Department of Fish and Game and the United States Fish and Wildlife Service.

- 3. On April 15, 1975, the Board adopted Order No. 75-18 for the Nine-Par landfill. The order was adopted with the assumption that the U.S. Army Corps of Engineers would address the issue of filling wetlands under Section 404 of the federal Clean Water Act, but the Corps has not taken such action in this case on the grounds that refuse fill does not constitute "fill material" and should not be regulated under Section 404.
- 4. The Board finds that all acreage to the north of the existing refuse mass and within the landfill property line, as shown in Attachment B, with the exception of those roads described in Finding 7 constructed prior to the effective date of the Federal Water Pollution Control Act amendments of 1972, is waters of the United States and wetlands and subject to an NPDES permit pursuant to Section 402 of the Clean Water Act if fill activity is proposed. This finding is based on all testimony and evidence presented at the Board meeting of August 15, 1984, and the consensus among Board members at that time that the acreage in question is waters of the United States and wetlands and within the jurisdiction of the Board.
- 5. The wetlands shown in Attachment B adjoin diked lands on the north, northwest, and east. Flood gates on the Artesian Slough to the west of the landfill prevent tidal flow into the wetlands. Surface runoff and groundwater keep portions of the wetland area wet for about six months each year. The wetlands are, therefore, seasonal wetlands of a primarily freshwater nature.
- 6. Actual and potential beneficial uses of the wetlands shown on Attachment B are:
  - a. Wildlife habitat.
  - b. Resting for waterfowl and migratory birds.
  - c. Non-contact water recreation.
- 7. Temporary, raised, roads were constructed in the wetland portions of the site by the Nine-Par Company prior to issuance of waste discharge requirements in 1975. Which roads were constructed prior to the effective date of the Federal Water Pollution Control Act amendments of 1972 is unknown. These roads are constructed of refuse material and soil excavated on-site, and have a vertical thickness of approximately 12 feet. The areal extent of the roads is shown on attachment B. No evidence exists that the presence of this material has adversely impacted the beneficial uses listed in finding 6. To the extent that the refuse contained in these 'roads' is non-hazardous solid waste, no future adverse impacts on beneficial uses are anticipated due to the age and advanced decomposition of the refuse.

- 8. The landfill site is underlain by more than 1000 feet of alluvial and estuarine deposits composed of an alternating sequence of clays, silts, sandy clays, sand, and gravel. A massive clay and silt layer lies about 100 feet beneath the surface forming a relatively impermeable barrier to downward water movement. Usable groundwater does exist at approximately 200 feet below ground surface. Perched groundwater of lower quality exists in sand and gravel lenses within bay muds near the ground surface.
- 9. The actual and potential beneficial uses of groundwaters and surface-waters in the vicinity of the site are:
  - a. Domestic water supply.
  - b. Industrial water supply.
  - c. Agricultural water supply.
  - d. Warm fresh water habitat.
  - e. Non-contact water recreation.
  - f. Wildlife habitat.
  - g. Navigation.
  - h. Resting for waterfowl and migratory birds.
- Closure of the existing refuse mass as shown on Attachment 10. B, and any expansion area which the Board may permit, is needed to protect the beneficial uses named in Finding 9. Closure, and continued operation in accordance with recently enacted regulations, requires that engineered means of controlling liquid flow through the refuse mass be implemented. Closure of the landfill requires at least one foot of low permeability clay soil over the refuse mass in order to reduce infiltration of rainwater. Due to the lack of an engineered horizontal clay layer beneath the existing refuse mass, some form of leachate collection and removal system (LCRS) in the downgradient direction is also desirable, and may be required if landfilling operations are to continue at this site. Both these objectives can be met by excavation along the northern toe of the existing refuse mass.

A minimum of 80 feet beyond the northern toe of the existing refuse mass is needed for excavation and installation of an LCRS. The use of a straight line as the northern boundary of landfilling along which the LCRS can be constructed provides for a more feasable LCRS design, and creates a final landfill volume and configuration which can more feasably be closed.

The fill expansion area shown on Attachment B provides the area necessary to feasably construct an LCRS at the downgradient edge of the existing refuse mass, and to excavate sufficient low-permeability clay to close the site. The Board finds, therefore, that a public need exists for refuse filling of the wetlands within the fill expansion area shown on Attachment B. No public need exists for excavation or fill beyond the expansion area shown on Attachment B.

The fill expansion area shown on Attachment B also provides sufficient additional fill capacity to generate the revenues needed to close the site. In the absence of an expansion of refuse filling into wetlands implementation of closure measures could be substantially delayed due to the limited remaining permitted fill capacity with which to generate revenues needed to close the site.

- 11. The discharger, in a submittal of October 17, 1985, has offered to mitigate loss of approximately 6 acres of seasonal wetlands in the following manner:
  - a. Convey title or a conservation easement of the approximately 24 acres of remaining wetland to a Governmental agency or private non-profit organization acceptable to the Executive Officer, and
  - b. Propose and implement a habitat enhancement plan for the wetland acreage outside of the expansion area but within the landfill property line shown on Attachment B such that no net loss of wetland habitat value will result from the fill operation. The discharger subsequently agreed to propose an enhancement plan which also achieves 'no net loss of wetland acreage' by removal of an acreage of the roads described in Finding 7 at least equal to the wetland area to be filled.

The Board finds that this mitigation is acceptable, provided that legal title or a conservation easement of the wetlands outside the expansion area but within the landfill property line as shown on Attachment B has been conveyed, and the habitat enhancement plan has been approved and implementation irrevocably committed to, prior to the start of excavation or filling in the expansion area.

12. Effluent limitation guidelines requiring the application of best available technology economically achievable (BAT) for this discharge have not been promulgated by the U.S. Environmental Protection Agency. That is, solid waste disposal is a non-guideline industry. Effluent limitations in this Order are based on a best professional judgement that compliance with the requirements of Subchapter 15, Chapter 3, California Administrative Code, will require utilization of BAT in the field of solid waste disposal.

- 13. The City of San Jose, as lead agency, adopted a Final Environmental Impact Report in September of 1983 titled, "Final Environmental Impact Report for Nine-Par Landfill", in accordance with the California Environmental Quality Act (CEQA). Among significant adverse impacts on the environment that could be caused by the discharge of solid wastes into wetland areas are degradation of water quality and loss of wetland habitat value. Prohibition A.3 of this Order, and modifications to the project by the applicant, provide for mitigation which will prevent loss of wetland habitat value. Prohibition A.2 of this Order defers actions which could cause degradation of water quality until revised waste discharge requirements for this site are issued pursuant to Subchapter 15 of the California Administrative Revised requirements should incorporate all mitigative measures relevant to water quality protection listed in the Final Environmental Impact Report.
- 14. This Order serves as an NPDES permit and is therefore exempt from the provisions of Chapter 3 (commencing with Section 21000 of Division 13) of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.
- 15. The proposed expansion of filling of wetlands shown on Attachment B appears to involve fill of some portion of 1.5 acres previously determined by the Corps of Engineers to be navigable waters of the United States, and is therefore subject to a Corps permit pursuant to Section 10 of the Rivers and Harbors Act of 1899.
- 16. The Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
- 17. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED THAT the Zanker Road Resource Management Group, and any other persons or corporations which may hereafter own or operate the expansion area at this landfill site, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and amendments thereto and regulations and guidelines adopted thereunder, shall comply with the following:

## A. Prohibitions

- 1. The discharge of wastes to the expansion area shown on attachment B, other than non-hazardous solid wastes as described in Section 2523 of Subchapter 15 of the California Administrative Code, is prohibited.
- 2. The excavation of soils or discharge of wastes into the expansion area shown on Attachment B is prohibited until revised waste discharge requirements for this landfill are issued by the Board pursuant to Subchapter 15 of the California Administrative Code. These revised waste discharge requirements shall include a closure plan, and leachate sump installation specificiations for the landfill site.
- 3. The excavation of soils or discharge of wastes into the expansion area shown on Attachment B is prohibited until a habitat enhancement plan for the wetlands outside the expansion area but within the landfill property line as shown on Attachment B has been approved by the Executive Officer, the Executive Officer finds that implementation of the habitat enhancement plan has been irrevocably committed to, and legal title or a conservation easement to said parcel has been conveyed to a governmental agency or non-profit organization approved by the Executive Officer.

The enhancement plan must include a legal description of the parcel to be enhanced, and be approved in writing by the Executive Officer on the basis that it achieves no net loss of wetland habitat value or acreage. Excavation of clean clay soil and backfilling with clean inert waste materials in portions of the wetlands to be enhanced may be proposed as part of the enhancement plan, so long as such operations are timed so that seasonal wetland values are not impinged upon. Backfilling with inert waste materials may require application for, and issuance of, an additional NPDES permit, or amendment of this permit. At least one round of post-enhancement soil-water sampling and analyses shall be proposed as part of the plan. The Executive Officer may not approve the enhancement plan without consulting with appropriate advising agencies,

4. The discharge of wastes into the expansion area shown on Attachment B is prohibited until the United States Army Corps of Engineers has issued a Section 10 permit pursuant to the Rivers and Harbors Act of 1899, or determined that a permit is not needed.

#### B. Receiving Water Limitations

- 1. The discharge of wastes shall not cause the following conditions to exist in waters of the State at any place beyond the expansion area:
  - a. Surface waters
    - Floating, suspended, or deposited macroscopic particulate matter or foam;

- 2. Bottom deposits or aquatic growths;
- 3. Alterations of temperature, turbidity, or apparent color beyond present natural background levels;
- 4. Visible, floating, suspended or deposited oil or other products of petroleum origin;
- 5. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
- b. Groundwaters shall not be degraded as a result of the solid waste disposal operation.
- 2. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Board or the State Water Resources Control Board as required by the Clean Water Act or the Porter-Cologne Act or regulations adopted thereunder.

### C. Provisions

- 1. The discharger shall comply with all sections of this order immediately upon adoption.
- 2. The discharger shall comply with any self-monitoring program which may be directed by the Executive Officer for the purpose of demonstrating compliance with this Order.
- 3. The discharger shall comply with the following items of the attached "Standard Provisions, Reporting Requirements, and Definitions" dated April 1977:
  - A.1, A.2, A.3, A.4, A.6, A.8, A.11, A.14, A.15, A.17.
- 4. All applications, reports, or information submitted to the Regional Board shall be signed and certified pursuant to Environmental Protection Agency regulations (40 CFR 122.41K).
- 5. Pursuant to Environmental Protection Agency regulations (40 CFR 122.42(a)) the discharger must notify the Regional Board as soon as it knows or has reason to believe that a discharge of a pollutant not limited by this permit has or will occur.

- 6. This order expires November 20, 1990. The discharger must file a report of waste discharge in accordance with Title 23, Chapter 3, Subchapter 9 of the California Administrative Code not later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements.
- 7. This Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act or amendments thereto, and shall become effective 10 days after date of its adoption provided the Regional Administrator, Environmental Protection Agency, has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.
- I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on November 20, 1985.

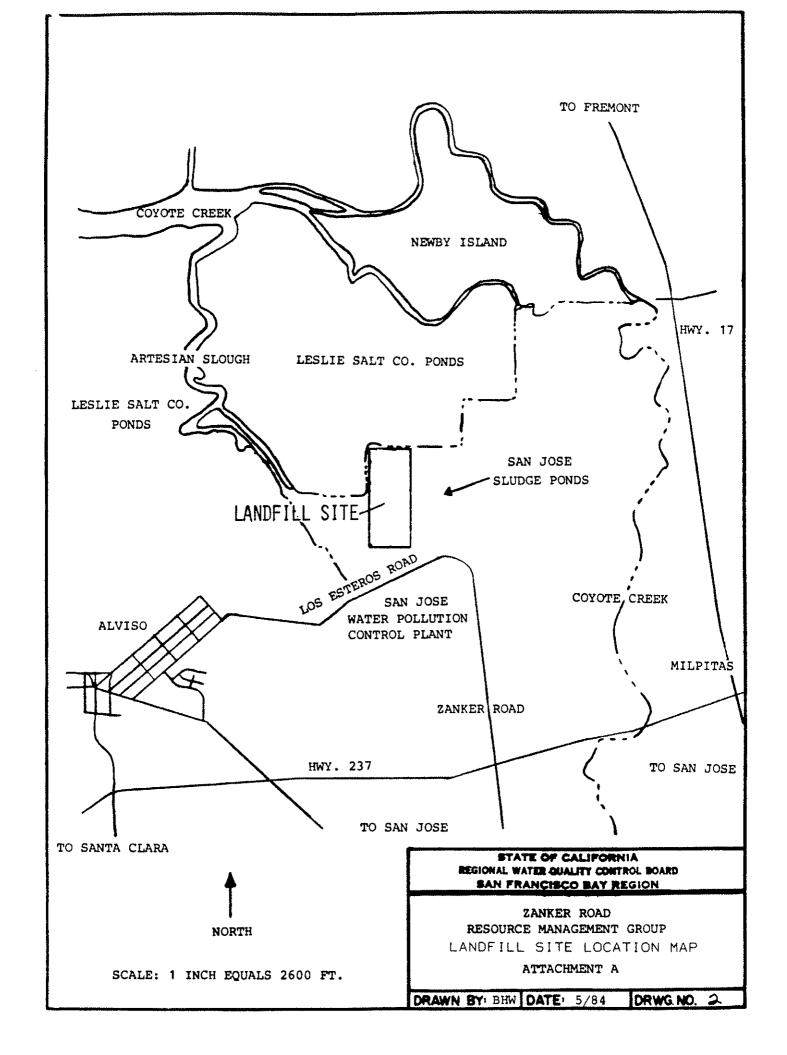
Boger B. James Executive Officer

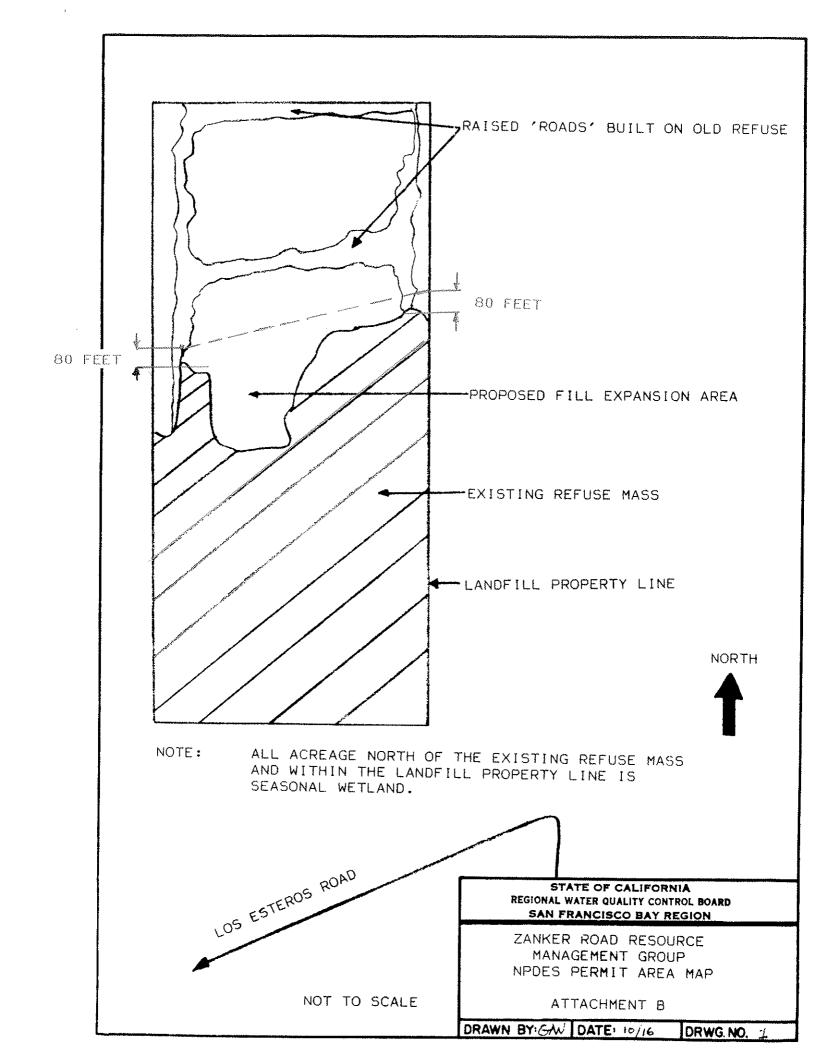
### Attachments:

"Standard Provisions, Reporting Requirements, and Definitions", April 1977.

A: Site Location Map

B: NPDES Permit Area Map





# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

Phone: Area Code 415 464-1255



SAN FRANCISCO BAY REGION
1111 JACKSON STREET, ROOM 6040
OAKLAND \$4607

Certified Mail No. P535301458 Return Receipt Requested Date: November 26,1985

File: 2189.8050 (GW)ej

Zanker Road Resource Management Group 1895 Park Ave. San Jose, CA 95126

NOTICE	<u>:</u>	The item(s) indicated by an "X" are enclosed herewith:
Х	A.	One certified copy of two Orders adopted by the Board on the date shown therein.
	в.	Attachment to Order containing Requirements and Recommendations of other agencies.
	С.	One copy of Executive Officer Summary Report which was considered by the Board on the date shown therein. The Motion(s) recommended therein was (were) adopted by the Regional Board on that date.
	D.	Other -

Sincerely,

ROGER B. JAMES Executive Officer

Enclosure: Order No. 85-132

	•	